

May 17, 2007

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 564 - *Dorchester and Talbot Counties - Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas—Pilot Program*.

This bill requires the State Fire Prevention Commission to establish a pilot program allowing the continuous operation of an unattended marine vessel motor fuel retail service station at marinas in Dorchester and Talbot counties. The pilot must be developed in conjunction with the Clean Marina Initiative of the Department of Natural Resources (DNR). The Commission may adopt any regulations necessary to implement the pilot program. The regulations must be consistent with any provisions or regulations governing the continuous operation of an unattended motor vehicle retail service station.

We recognize that the law currently allows for unattended land-based retail service stations for motor vehicles. However, fuel spills directly into the water are more difficult to access, contain, mitigate and recover from than fuel spills on land. A fuel spill directly into the open water at any marina must be immediately reported to the Department of Environment and the United States Coast Guard. The Department of Environment's Emergency Response Division and Oil Control Division responds to numerous spills at unattended land-based service stations each year. Permitting unattended marina fuel dispensing systems to operate increases the opportunity for a spill to go unnoticed or unreported, or for a fuel spill report to be delayed until the Chesapeake Bay, one of its prime recreational and sport boating and fishing areas, or one of its many commercial fisheries is significantly damaged. Although I believe there certainly are safety measures that could be put into place to minimize the likelihood of a spill, it is this last factor—the grave consequences that could result to the Bay or its fisheries from a delayed response to a spill—that compels me to veto this bill.

The Honorable Michael E. Busch

May 17, 2007

Page 2

The bill also technically is deficient in that it does not specify an end date for the pilot program.

For the above reasons, I have vetoed House Bill 564.

Sincerely,

Martin O'Malley  
Governor

May 17, 2007

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1239 - *Prince George's County - Board of Education PG 433-07*.

House Bill 1239 alters the election structure of the Prince George's County Board of Education beginning in 2010 by requiring that each of the nine elected members of the Board reside in, and be elected only by the residents of, designated school board districts. The bill also establishes eligibility criteria for school board members and new procedures for electing members to fill vacant positions. Furthermore, the bill repeals a mandated external review of the Prince George's County school system.

The Prince George's County Board of Education is currently an elected board consisting of five regional members, four at-large members, and one student member. This board took office on December 4, 2006, following the November 2006 general election. House Bill 1239 would replace this board in 2010 with nine single-member school board districts. While I have no policy objections to the bill, the Attorney General has informed me in a letter dated May 15, 2007, that in his view, the school board districts proposed under House Bill 1239 violate the one person/one vote requirement of the Fourteenth Amendment and are unconstitutional. The Attorney General further states in his letter that the unconstitutional election plan is not severable from the remainder of the bill and, therefore, he cannot recommend that the legislation be signed into law.

Based on the Attorney General's opinion alone, I regretfully must veto House Bill 1239.

Sincerely,

Martin O'Malley  
Governor

May 17, 2007

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 20414

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 657 - *Prince George's County - Board of Education*.

Senate Bill 657 alters the election structure of the Prince George's County Board of Education beginning in 2010 by requiring that each of the nine elected members of the Board reside in, and be elected only by the residents of, designated school board districts. The bill also establishes eligibility criteria for school board members and new procedures for electing members to fill vacant positions. Furthermore, the bill repeals a mandated external review of the Prince George's County school system.

The Prince George's County Board of Education is currently an elected board consisting of five regional members, four at-large members, and one student member. This board took office on December 4, 2006, following the November 2006 general election. Senate Bill 657 would replace this board in 2010 with nine single-member school board districts. While I have no policy objections to the bill, the Attorney General has informed me in a letter dated May 15, 2007, that in his view, the school board districts proposed under Senate Bill 657 violate the one person/one vote requirement of the Fourteenth Amendment and are unconstitutional. The Attorney General further states in his letter that the unconstitutional election plan is not severable from the remainder of the bill and, therefore, he cannot recommend that the legislation be signed into law.

Based on the Attorney General's opinion alone, I regretfully must veto Senate Bill 657.

Sincerely,

Martin O'Malley  
Governor